

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No.80581

Bonnie Gail Frate  
Mary C. McKolon

3431 Wallford Drive

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 4, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to store waste in rodent resistant watertight containers with tight fitting lids on residential property zoned DR 10.5 known as 3431 Wallford Drive, 21222.

On July 20, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$200.00 (two hundred dollars).

The following persons appeared for the Hearing and testified: Bonnie Gail Frate, Respondent, with son, Derek Frate and, Robert Moorefield, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 7, 2010 for removal of open dump/junk yard, abate nuisance. This Citation was issued on July 20, 2010.

B. Inspector Robert Moorefield testified that the code enforcement case was closed on July 14, 2010 after the violations were corrected. The case was reopened when a new complaint was received through the Councilman's office, and inspection July 20, 2010 found junk in the yard and overfilled garbage cans without lids and garbage on the ground. Re-inspection on August 2, 2010 found the property cleaned up and the violations corrected.

C. Respondent Bonnie Frate testified that the people living in the house in June 2010 and July 2010 were squatters and were not there with her permission. The property is now vacant and she has cleaned it up. She has provided her mailing address and was advised to change her mailing address with the State Department of Assessments and Taxation so she will receive any future notices directly.

D. Photographs in the file taken July 20, 2010 show an overflowing garbage can and a bag of garbage on the ground. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

E. Photograph taken August 2, 2010 shows the yard clean and empty. Because the violation was caused by unauthorized tenants, and because Respondent cleaned up the property prior to this Hearing, this Citation will be dismissed. Respondent is advised, however, that under departmental policy any recurring violation is subject to immediate Citation with possible civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that the Citation is DISMISSED.

ORDERED this 12<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf